

REMARKS

With this Reply and Amendment, Claims 18, 21 and 23 have been amended, Claims 1-17, 19, 20, 22, 24 – 30 have been canceled without prejudice. Thus, after entry of this Response and Amendment, Claims 18, 21 and 23 are pending in the instant Application.

Applicant does not acquiesce or admit any of the Examiner's grounds for rejection, nor does Applicant dedicate any subject matter in the present application to the public. Applicant expressly reserves the right to pursue claims to canceled subject matter in one or more divisional, continuation or continuation-in-part applications.

Claim Amendments

Claims 18, 21 and 23 has been amended by inserting "at least one of" and replacing "50%" with "90%." Support for the amendment is found in page 8, lines 10-14.

No new matter is added by the amendment of claims 18, 21 and 23. Accordingly, entry of the amended claims into the instant Application is proper and respectfully requested.

Rejection Of Claims 18, 20, 21, 23 And 25-30 Under 35 U.S.C. § 112, Second Paragraph

Claims 18, 20, 21, 23 and 25-30 stand rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner objects to the term "hybridize under low stringency conditions" in claims 25-27, and the term "at least about 50%" or "at least about 75%" in claims 18, 20, 21, 23 and 27-30.

Claims 20 and 25-30 have been canceled. Claims 18, 21 and 23 have been amended by replacing "50%" with "90%." Therefore, Applicants respectfully request the rejection to be withdrawn.

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Rejection Of Claims 25-27 Under 35 U.S.C. § 112, First Paragraph.

Claims 25-27 stand rejected under 35 U.S.C. § 112, first paragraph. This is a written description rejection. Specifically, the Examiner objects to the term “hybridize under low stringency conditions” in claims 25-27.

Claims 25-27 have been canceled. Therefore, Applicants respectfully request the rejection to be withdrawn.

Priority

Claim 25 stands rejected on the basis that that is broader than the parent application and thus is not entitled to the priority date.

Claims 25 has been canceled. Therefore, Applicants respectfully request the rejection to be withdrawn.

Rejection Of Claim 25 Under 35 U.S.C. § 112, First Paragraph.

Claim 25 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Yatani et al. with evidence of Krapivinsky et al., and by Karshin et al. with evidence by Krapivinsky et al.

Claims 25 has been canceled. Therefore, Applicants respectfully request the rejection to be withdrawn.

Conclusion

Applicant submits that all pending Claims of the captioned Application satisfy all requirements for patentability and are in condition for allowance. An early indication of the same is therefore respectfully requested.

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If the Examiner determines that prosecution of the instant application would benefit from a telephone interview, the Examiner is invited to call the undersigned attorney at (415)-544-7000.

Respectfully submitted,
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